

House Amendment 8359

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1 1 Amend Senate File 417, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 5, by striking lines 23 through 29.
1 4 #2. Page 6, by inserting after line 10 the
1 5 following:
1 6 <3. In addition to any other penalties provided
1 7 for in this chapter, the commissioner may, by order,
1 8 impose a civil penalty upon a person violating any
1 9 provision of this chapter. Each day of a continuing
1 10 violation constitutes a separate offense, except that
1 11 offenses resulting from the same or common facts or
1 12 circumstances shall be considered a single offense.
1 13 Before issuing an order under this section, the
1 14 commissioner shall provide the person written notice
1 15 and the opportunity to request a hearing on the
1 16 record. The hearing must be requested within thirty
1 17 days of the issuance of the notice.
1 18 a. A person aggrieved by the imposition of a civil
1 19 penalty under this section may seek judicial review in
1 20 accordance with section 17A.19.
1 21 b. If a person fails to pay a civil penalty within
1 22 thirty days after entry of an order under subsection
1 23 1, or if the order is stayed pending an appeal within
1 24 ten days after the court enters a final judgment in
1 25 favor of the commissioner, the commissioner shall
1 26 notify the attorney general. The attorney general may
1 27 commence an action to recover the amount of the
1 28 penalty, including reasonable attorney fees and costs.
1 29 c. An action to enforce an order under this
1 30 section may be joined with an action for an
1 31 injunction.>
1 32 #3. By renumbering as necessary.
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1 36 T. TAYLOR of Linn
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1 40 TYMESON of Madison
1 41 SF 417.702 82
1 42 jr/nh/21011
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